

# Response to Comments on Final Public Review Draft Prioritization of Toxic Air Contaminants Under the Children's Environmental Health Protection Act

July, 2001

## **Response to Comments on Phthalate Esters by the American Chemistry Council**

The American Chemistry Council Phthalate Esters Panel (panel) submitted comments on OEHHA's proposed prioritization of Toxic Air Contaminants (TACs) under the Children's Environmental Health Protection Act in a letter from Courtney Price dated July 12, 2001.

**Comment:** In OEHHA's Final Public Review Draft, Appendix A erroneously includes butyl benzyl phthalate (BBP) and bis(2-ethylhexyl)adipate (DEHA) in lists of TACs. The Panel strongly urges OEHHA to revise the tables in Appendix A to distinguish chemicals that have not been identified as TACs - such as BBP and DEHA - from those that are TACs. Appendix A contains two tables: Table A - "List of Toxic Air Contaminants", and Table B - "List of Toxic Air Contaminants that dropped out of the process after the initial ranking". The table names indicate that all substances listed within are TACs. However, BBP and DEHA are not classified as TACs by the California Air Resources Board (CARB). In 1999, CARB released an update to the Toxic Air Contaminants list. In that release, CARB classified both BBP and DEHA as Category IVb substances ("Substances NOT identified as Toxic Air Contaminants, known to be emitted in California, and are TO BE EVALUATED for entry into Category III")

Substances in Category IVb which are evaluated may enter Category III, and, in the case of BBP and DEHA, would be designated as Category IIIb ("NOT identified as Toxic Air Contaminants"). Those in Category III are nominated for development of health values or additional health values. Even after development of such health values, there still remains a long process before a substance is identified as a TAC by CARB. Thus, BBP and DEHA are several steps away from even being considered for identification as TACs.

Moreover, the Panel does not believe BBP and DEHA will ever be classified as TACs because of their low toxicity and low emissions in California. In February 1999, Solutia Inc. submitted comments that demonstrate that BBP and DEHA air emissions in California are not likely to pose toxicity concerns, and the Panel has supported those comments. As was shown in the Solutia Inc. comments, BBP and DEHA exhibit toxicity only at very high doses, and air emissions of BBP and DEHA from stationary sources in California are low, such that fence line concentrations are expected to be well below health benchmarks. Furthermore, EPA has removed both BBP and DEHA from the list of toxic chemicals under the Emergency Planning and Community Right-to-Know Act (EPCRA). That is, EPA has determined that environmental releases of these chemicals are not known to cause, nor reasonably anticipated to cause, serious, acute or chronic effects in humans nor significant adverse effects on the environment.

The Panel believes that an OEHHA document, which lists BBP and DEHA as TACs, would cause great confusion and might lead to unwarranted control actions and misallocation of scarce resources. It is to be expected that documentation originating from OEHHA will be heavily relied upon by the general public. Therefore, it is imperative that the information in that document is complete and accurate. Because BBP and DEHA are not designated as TACs, OEHHA should revise the tables in Appendix A so it is clear that chemicals such as BBP and DEHA are not TACs. This is particularly important since we believe BBP and DEHA probably

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never will be designated as TACs, given their toxicological and exposure profiles.

**Response:** OEHHA thanks the commenter for pointing out that BBP and DEHA, which are on the list for future evaluation as TACs (Category IVb) were erroneously included in the tables along with substances identified as TACs (Category I). OEHHA will amend the tables in the final version of the report accordingly. This action by OEHHA implies no judgment at this time on the toxicity data for these compounds: these may eventually be evaluated by ARB and OEHHA as part of the TAC prioritization process.